

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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In re: Marc J. Randazza,
Attorney at Law, Bar No. 12265

Case No. 2:19-cv-01765-MMD

ORDER

I. SUMMARY

This is an attorney discipline matter. Before the Court is Marc Randazza's petition for reinstatement (the "Petition").¹ (ECF No. 14.) As further explained below, the Court will grant Mr. Randazza's Petition.

II. BACKGROUND

Mr. Randazza was suspended by the Nevada Supreme Court ("NSC") following his conditional guilty plea to a charge that he violated "RPC 1.8(a) (conflict of interest: current clients: specific rules) and RPC 5.6 (restrictions on right to practice)." (ECF No. 3 at 15.)

Upon receiving notice of his suspension by the NSC, the Court issued an order to show cause why Mr. Randazza should not also be suspended by this Court. (ECF No. 1 ("OSC").) Mr. Randazza filed a response to the OSC, arguing he should not be suspended by this Court. (ECF No. 3.) The Court nonetheless suspended him because he remained subject to probationary conditions imposed by the NSC. (ECF No. 5 (the "Suspension Order").) Mr. Randazza then filed an emergency motion to alter or amend the Suspension Order (ECF No. 8), which the Court denied (ECF No. 12).²

¹Mr. Randazza also filed an emergency motion for a hearing on his Petition. (ECF No. 17.) Because the Court will grant the Petition, the Court will deny the emergency motion for a hearing as moot.

1 The Petition followed.³ (ECF No. 14.) In his Petition, Mr. Randazza asks to be
 2 reinstated primarily because he has successfully discharged the NSC's probationary
 3 conditions. (*Id.* at 2.) In most pertinent part, he attached a letter from the State Bar of
 4 Nevada confirming that he has successfully discharged the probationary conditions the
 5 NSC imposed on him. (*Id.* at 16.) Mr. Randazza also submitted a declaration explaining
 6 he has clients with cases in this district who would like him to represent them (*id.* at 11-
 7 14), and some declarations from some of his clients explaining they would like Mr.
 8 Randazza to represent them (*id.* at 19-26). Mr. Randazza previously submitted a current
 9 certificate of good standing from the State Bar of Nevada. (ECF No. 10-3.)

10 **III. DISCUSSION**

11 Local Rule IA 11-7(i) states that an attorney who is the subject of an order of
 12 suspension "may petition for reinstatement to practice before this court or for modification
 13 of the order as may be supported by good cause and the interests of justice." LR IA 11-
 14 7(i). The Rule further provides: "if the attorney was readmitted by the supervising court or
 15 the discipline imposed by the supervising court was modified or satisfied, the petition must
 16 explain the situation with specificity, including a description of any restrictions or
 17 conditions imposed on readmission by the supervising court." *Id.* However, the decision
 18 as to whether and under what circumstances the attorney will be reinstated to practice
 19 before this Court is left to the discretion of the Chief Judge, or other reviewing Judge if
 20 the Chief Judge refers the matter to another judge. See *id.*; see also LR IA 11-7(a).

21 The Court will grant the Petition because Mr. Randazza has sufficiently
 22 demonstrated he successfully discharged the NSC's probationary conditions and is an
 23 attorney in good standing with the State Bar of Nevada. (ECF Nos. 10-3, 14 at 16.)

25 ²The Court issued this order on November 27, 2019, and received a certified mail
 26 receipt indicating it was mailed to Mr. Randazza's counsel that same day. (ECF No. 13.)
 27 However, both Mr. Randazza and his counsel claim they never received that order. (ECF
 28 Nos. 15 (minute order explaining in response to a letter from Mr. Randazza's counsel
 inquiring about a ruling on the emergency motion to alter or amend judgment that the
 Court had already issued an order denying it on November 27, 2019), 17 at 4, 17-1 at 3.)

³Mr. Randazza followed up with a letter as well. (ECF No. 16.)

Moreover, Mr. Randazza's Petition demonstrates understanding of the Court's prior Suspension Order granting him leave to petition this Court for reinstatement once he could show that he is able to practice in Nevada state courts unencumbered by any probationary conditions. (ECF No. 5 at 3.) The Court thus finds that Mr. Randazza has shown cause to be readmitted to the bar of this Court.

IV. CONCLUSION

It is therefore ordered that Mr. Randazza's renewed petition for reinstatement (ECF No. 14) is granted.

It is further ordered that Mr. Randazza's emergency motion for a hearing (ECF No. 17) is denied as moot.

DATED THIS 9th day of June 2020.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE